

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Subcategory No. 06-11337-PBS
	)	
<i>United States of America ex rel. Ven-a-</i>	)	Hon. Patti B. Saris
<i>Care of the Florida Keys, Inc., v.</i>	)	
<i>Boehringer Ingelheim Corp., et al., Civil</i>	)	
Action No. 07-10248-PBS; and	)	
	)	
<i>United States of America ex rel. Ven-a-</i>	)	
<i>Care of the Florida Keys, Inc. v. Dey L.P.,</i>	)	
<i>et al., Civil Action No. 05-11084-PBS.</i>	)	

**MOTION OF UNITED STATES  
TO CONSOLIDATE CASES FOR TRIAL**

The United States of America hereby moves, pursuant to Fed. R. Civ. P. 42(a), to consolidate the two above-captioned cases for purposes of trial. The grounds for this

motion are set forth in the accompanying Memorandum of Law in Support of United States' Motion to Consolidate Cases for Trial and supporting exhibits.

Respectfully submitted,

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### CERTIFICATION

The undersigned counsel certifies pursuant to LR 7.1(A)(2) that counsel have conferred on the issue raised in this motion, and have been unable to resolve or narrow the issue.

/s/ George B. Henderson, II

George B. Henderson, II

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above document and accompanying exhibits to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ George B. Henderson, II

George B. Henderson, II  
Assistant U.S. Attorney

Dated: October 13, 2009